IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 2390 of 2007(H)

PETITIONER:

P.P.IBRAHIM, S/O.ALUPPI HAJI,
SAREENA MANZIL, MANKAI, KAYANI P.O.,
MATTANNUR VIA, KANNUR DISTRICT.

BY ADV. SRI.A.K.ABDUL ZEEZ

RESPONDENTS:
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1. THE REGIONAL TRANSPORT AUTHORITY,
KANNUR, REPRESENTED BY ITS SECRETARY.

2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KANNUR.

3. STATE TRANSPORT APPELLATE TRIBUNAL,
ERNAKULAM.

BY GOVERNMENT PLEADER SRI.M.A.FAYAZ..

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

WP(C).No.2390 of 2007-H

Dated this the 31st day of January, 2007.

JUDGMENT

The petitioner has approached this court challenging Ext.P8 order of the S.T.A.T. dismissing the revision filed by the petitioner against Ext.P5 order of the R.T.A., Kannur dated 5-9-2005 issuing permit granted to him on the route Aralam-Iritty-Thalassery by Ext.P4 decision of the R.T.A. Kannur. The permit was granted by Ext.P4 with a stipulation that the vehicle should be operated between Aralam and Thalassery for 3 round trips. The petitioner in fact wanted 4 round trips as evident from Ext.P6 representation filed by him before the Secretary, R.T.A. Objecting Ext.P5 time schedule, he has filed Ext.P6 representation. Since no action was taken on the said representation, the petitioner filed W.P.(C). 30624 of 2005 before this Court. The said writ petition was dismissed by Ext.P7 judgment giving liberty to the petitioner to invoke statutory remedy. So, a revision petition was filed challenging Ext.P5 order. The S.T.A.T. dismissed it holding that the real grievance of the petitioner is against Ext.P4. The same cannot be redressed by challenging Ext.P5. So, this writ petition is filed challenging Ext.P8. As long as Ext.P4 remains unchallenged, the grievance of the petitioner that he should be

allowed to operate 4 round trips cannot be allowed. So, I find nothing illegal with Ext.P8. But, the petitioner is free to move for variation of permit by adding one more round trip between Aralam and Thalassery. Without prejudice to that right this writ petition is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS